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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Sean Bennett, an individual,

Plaintiff,

v.

City of Phoenix, a governmental entity;
 American Airlines, Inc., a foreign
 corporation; Officer Joel Cottrell and Jane
 Doe Cottrell, a married couple; Officer
 Benjamin Denham and Jane Doe Benham a
 married couple; Officer Todd Blanc and
 Jane Doe Blanc, a married couple; Officer
 Peru and Jane Doe Peru, a married couple;
 Sergeant Hogan and Jane Doe Hogan, a
 married couple,

Defendants.

No.

Notice of Removal

Defendants City of Phoenix, Joel Cottrell, Todd Blanc, Rudolfo Peru, and Ryan
 Hogan¹ have been served a copy of Plaintiff's Complaint filed in the Superior Court for the
 State of Arizona, in the County of Maricopa, Case No. CV2023-012270. The City of Phoenix
 and the Officer Defendants hereby notice the removal of the above-captioned case from the
 Superior Court of the State of Arizona, in the County of Maricopa, to this Court, the United

¹ Defendants Cottrell, Denham, Blanc, Peru, and Hogan are referred to collectively
 herein as "the Officer Defendants." On information and belief, the fifth officer that Plaintiff
 names as a defendant, Benjamin Denham, is deceased.

States District Court for the District of Arizona. The following assertions support Defendants' Notice of Removal.

I. BACKGROUND

On August 11, 2023, Plaintiff Sean Bennett filed a Complaint in the Superior Court of Maricopa County, entitled Sean Bennett v. City of Phoenix, et al, Case No. CV2023-012270 (the "Superior Court Action"). A true and accurate copy of the Complaint filed in the Superior Court Action is attached hereto as **Exhibit A**. Based on the filing of this Notice of Removal, the Superior Court is divested of any power, authority, or jurisdiction to hear and decide Plaintiff's Complaint pursuant to 28 U.S.C. § 1446(d).

II. JURISDICTION AND VENUE

This Court has jurisdiction pursuant to 28 U.S.C. § 1331 because this action arises under the Constitution, laws, or treaties of the United States. This action may be removed pursuant to 28 U.S.C. § 1441(a) because it is based on alleged civil rights and federal constitutional violations, namely, claims brought under 28 U.S.C. § 1983 and based on the Fourth Amendment to the United States Constitution (Counts I and II).

Specifically, Plaintiff has alleged that he was unlawfully seized, arrested, and imprisoned by the Officer Defendants after employees of Defendant American Airlines, Inc., called the City of Phoenix police department multiple times and reported that Plaintiff was physically assaulting flight crew on an aircraft and causing a disturbance. Comp. ¶¶ 27, 29. Plaintiff alleges that his arrest and subsequent detention constitute an unlawful arrest and false imprisonment without probable cause. Compl. ¶¶ 64–65, 70–71. Plaintiff's Complaint seeks damages based on alleged violations of the Fourth Amendment. Compl. ¶¶ 66, 77, Prayer for Relief A. Thus, this Court has original jurisdiction, and the Superior Court Action must be removed to the United States District Court for the District of Arizona. Plaintiff's Complaint also asserts state-law claims for negligence, assault, battery, false arrest and imprisonment, and intentional infliction of emotional distress arising from the same set of facts (Counts III through VII). Compl. ¶¶ 79–106. The Court therefore has supplemental jurisdiction over Plaintiff's state-law claims under 28 U.S.C. § 1367(a).

Venue is proper in this district under 28 U.S.C. § 1441(a) because the District and the division embrace Maricopa County, Arizona, the place where the Superior Court Action was filed.

III. COMPLIANCE WITH 28 U.S.C. § 1446

The City of Phoenix was served with the Complaint on October 31, 2023, and the Defendants Cottrell, Blanc, Peru, and Hogan were served on November 2, 2023. **Exhibits A–F.** In accordance with 28 U.S.C. § 1446(b), this Notice of Removal has been filed within thirty days of receipt of Plaintiffs' Complaint, and within one year of the commencement of the Superior Court Action.

Additionally, undersigned counsel for the City of Phoenix and the Officer Defendants have contacted counsel for Defendant American Airlines and they have consented to removing this action to the United States District Court for the District of Arizona.

Notice of Removal to United States District Court, a true and correct copy of which is attached as **Exhibit G**, has been filed in the Superior Court for the State of Arizona, in the County of Maricopa, Case No. CV2023-012270, on behalf of the City of Phoenix and the Officer Defendants.

IV. CONCLUSION

Removal of this action is proper under 28 U.S.C. § 1441(a) because this Court has original jurisdiction pursuant to 28 U.S.C. § 1331. All defendants have consented to removal, and the City of Phoenix and the Officer Defendants hereby submit the subject notice of removal, a Notice of which has also been filed with the Maricopa County Superior Court.

1 DATED this 20th day of November, 2023.

2 JONES, SKELTON & HOCHULI, P.L.C.

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4 By /s/ Ryan J. McCarthy
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Sergeant Hogan

10 **CERTIFICATE OF SERVICE**

11 I hereby certify that on this 20th day of November, 2023, I caused the foregoing
12 document to be filed electronically with the Clerk of Court through the CM/ECF System for
13 filing; and served on counsel of record via the Court's CM/ECF system.

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Attorneys for Plaintiff

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19 /s/ Mary Creed
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